

REMARKS

This Amendment is being filed in response to the Office Action dated December 14, 2009. Reconsideration and allowance of the application in view of the remarks to follow are respectfully requested.

Claims 1-15 and 17-21 are pending in the Application. Claims 2, 4 and 6-15 and 17-21 are withdrawn.

In the Office Action, the drawings are objected to because reference designation "41" is indicated in FIG. 4 indicating both of the side portion 41 and the circular opening 63. In response, a Replacement Sheet including FIG. 4 is enclosed wherein the reference "41" indicating the circular opening 63 is deleted. Applicants respectfully request approval of the enclosed proposed drawing change and withdrawal of the drawing objection.

In the Office Action, the specification is objected to for a lack of headings. Applicants respectfully decline to add the headings since the section headings may be inappropriately utilized in interpreting the claimed subject matter. Section headings are not statutorily required for filing a non-provisional patent application, but per 37 CFR 1.77 are only guidelines that are suggested for applicant's use. (See Miscellaneous Changes in Patent Practice, Response to comments 17 and 18 (Official Gazette, August 13, 1996) [Docket No: 950620162-6014-02] RIN 0651-AA75 ("Section 1.77 is permissive rather than mandatory. ... [T]he Office will not require any application to comply with the format set forth in 1.77"). Accordingly, withdrawal of the objection to the specification is respectfully requested.

Claim 1 is rejected under 35 U.S.C. §112, second paragraph. This rejection of claim 1 under 35 U.S.C. §112, second paragraph is respectfully traversed. However, in the interest of expediting consideration and allowance of the pending claims, the Applicants have elected to amend the claims to eliminate reference to the coupling member. Accordingly, it is respectfully submitted that claim 1 is in proper form and it is respectfully requested that this rejection under 35 U.S.C. §112, second paragraph, be withdrawn.

In the Office Action, claims 1, 3 and 5 are rejected under 35 U.S.C. §101, statutory double patenting, as allegedly claiming the same invention as that of claims 1-5 of prior U.S. Patent No. 7,251,894. This rejection is respectfully traversed. However, in the interest of advancing consideration and allowance of the claims, the claims are amended such that as should be readily apparent, the claims of the claims of the current application and U.S. Patent No. 7,251,894 are not coextensive in scope. Accordingly, withdrawal of the rejection of claims 1, 3 and 5 are under 35 U.S.C. §101 is respectfully requested.

Claims 1, 3 and 5 are rejected under 35 U.S.C. §102(b) over U.S. Patent Publication No. 2006/0037197 to Hawes ("Hawes"). These rejections are respectfully traversed. It is respectfully submitted that claims 1, 3 and 5 are allowable over Hawes for at least the following reasons.

Hawes shows a razor including a (emphasis added) "control device 16 ... [that] controls actuation of an electric motor 24 (FIGS. 2 and 3) housed within the handle 1 and having an output shaft with an eccentric weight 26 fastened thereon. In a manner known per se, energization of the electric motor results in a high speed rotation of the eccentric weight 26 and thereby vibration of the razor, and the blade unit 2 ..." (See, Hawes, paragraph

[0031].) In other words, as clear from Hawes, rotation of the electric motor 24 causes the razor and the blade unit 2 to vibrate together so there is no motion of the razor relative to the blade unit as alleged in the Office Action.

The Office Action takes a position that (emphasis added) "an actuator 24 coupled to the cutting member 4 through a coupling member 14 that translates a rotating motion of the actuator 24 into a periodical reciprocating motion of the cutting member 4 for effecting the periodical reciprocating motion of the cutting member relative to the base portion 13, and wherein the periodical reciprocating motion of the cutting member 4 is also a periodical reciprocating motion of the cutting member 4 relative to the shaving head 2." This assertion of what is alleged shown by Hawes is respectfully traversed. It is noted that the Office Action does not cite to any portion of Hawes for support of this assertion.

As is clear from a simple inspection of the figures of Hawes, such as FIGs. 2 and 3 cited in the Office Action, the electric motor 24 is positioned in a neck 14 of the razor handle 1. As may be readily appreciated by a person of ordinary skill in the art, high speed rotation of the eccentric weight 26 by the electric motor 24 will cause vibration of the neck 14 and the entire blade unit 2 including the blades 4. As such, it should be clear that periodical reciprocating motion of the blades in Hawes is not produced relative to the razor handle 1 or the neck 14 (e.g., a base portion) since each is vibrating together. Further, as should also be clear, Hawes does not produce periodical reciprocating motion of the blades 4 (e.g., cutting member) relative to the shaving head.

It is respectfully submitted that the device of claim 1 is not anticipated or made obvious by the teachings of Hawes. For example, Hawes does not teach, disclose or suggest, a

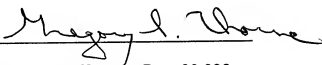
device that amongst other patentable elements, comprises (illustrative emphasis added) "an actuator coupled to the first and second supporting plates such that a rotating motion of the actuator translates into a periodical reciprocating motion of the slidably accommodated first and second supporting plates and the cutting member for effecting a periodical reciprocating motion of the cutting member relative to the base portion by the actuator slidably guiding the first and second supporting plates relative to the first and second side portions, the periodical reciprocating motion of the cutting member also being a periodical reciprocating motion of the cutting member relative to the shaving head" as recited in claim 1.

Based on the foregoing, the Applicants respectfully submit that independent claim 1 is patentable over Hawes and notice to this effect is earnestly solicited. Claims 2-15 and 17-21 respectively depend from claim 1 and accordingly are allowable for at least this reason as well as for the separately patentable elements contained in each of the claims. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Applicants have made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

By 

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Enclosure: Replacement drawing sheet (1 sheet including FIG. 4)

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